

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 6/27/02.

I. DISPUTE

Whether there should be reimbursement for work conditioning from 6/11/01 through 7/6/02 denied by the carrier for lack of documentation.

II. FINDINGS

The requestor also included in the disputed services from 6/11/01 through 6/26/01. Per Rule 133.307 (c) and (d) "A request for medical dispute resolution of a medical fee dispute must be timely filed with the commission's Medical Review Division (division).

(d) Timeliness. A person or entity who fails to timely file a request waives the right to medical dispute resolution. The commission shall deem a request to be filed on the date the division receives the request, and timeliness shall be determined as follows:

- (1) A request for medical dispute resolution on a carrier denial or reduction of a medical bill pursuant to §133.304 of this title (relating to Medical Payments and Denials) or an employee reimbursement request shall be considered timely if it is filed with the division no later than one (1) year after the date(s) of service in dispute."

Therefore, all disputed services from 6/11/01 through 6/26/01 are not within Commission jurisdiction and will not be reviewed.

III. RATIONALE

The Commission's 1996 Medical Fee Guideline , Medicine Ground Rules, (II)(D) states, "Work conditioning: A highly structure, goal oriented, individualized treatment program using real or simulated work activities in conjunction with conditioning tasks. Work Conditioning is a single disciplinary approach..."

The injured worker's occupation is as a maid. As stated in the medical report of 7/5/01, her job duties involved "bending, stooping, squatting, prolonged standing and walking." The occupation

of maid incorporates much of the same requirements as found in daily living activities.

The
medical documentation submitted by the requestor identifies specific work in “bending, stooping, squatting, prolonged standing and walking.” Since these are essentially the job requirements of occupation of maid, the medical documentation submitted properly documents
work conditioning.

IV. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is** entitled to reimbursement for 97545WC x 22 from 6/27/01 through 7/6/02 in the amount of **\$792.00** Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$792.00** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 5th day of November 2003.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division

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